

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Eddie Mack,	:	
	:	
Plaintiff	:	Civil Action 2:06-cv-102
	:	Judge Marbley
v.	:	
	:	Magistrate Judge Abel
Reginald Wilkinson, et al.,	:	
	:	
Defendant	:	

**ORDER**

This matter is before the Court on Plaintiff's May 4, 2006 motion for judgment on the pleadings and summary judgment (doc.10), and also his June 21, 2006 motion for judgment on the pleadings and motion to strike (doc.12) as well as Defendants' June 23, 2006 motion to stay both of Plaintiff's aforementioned motions pending resolution of Defendant's motion to dismiss (doc.13).

Although Plaintiff's filings are styled as a summary judgment motion and a motion to strike, further inspection reveals them simply to be attempts by the Plaintiff to further respond to Defendants' reply in support of their March 30, 2006 motion to dismiss. However, parties are allowed to file only a finite number of memoranda relating to any one motion. S.D. Ohio Civ. R. 7.2a(2). The local rules state that "[a]ny memorandum in opposition shall be served" and that "[a] reply memorandum may be served" but goes on to state that "[n]o additional memoranda beyond those enumerated will be permitted except upon leave of court for good cause shown." S.D. Ohio Civ. R. 7.2(2).

Thus, the Magistrate Judge RECOMMENDS that Plaintiff's May 4, 2006 motion for

judgment on the pleadings and summary judgment (doc.10), and also on his June 21, 2006 motion for judgment on the pleadings and motion to strike (doc.12) be DENIED. Further, as Defendants' motion to dismiss has already been ruled upon, Defendants' June 23, 2006 motion to stay both of Plaintiff's aforementioned motions pending resolution of Defendant's motion to dismiss (doc.13) is moot, and therefore it is DENIED.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. *See* 28 U.S.C. §636(b)(1)(B); Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *See also Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel  
United States Magistrate Judge